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JUL 30 2004

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

July 30, 2004

VIA HAND DELIVERY

Marlene H. Dortch, Esq.  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TW-B204  
Washington, DC 20554

RE: Telecommunications Relay Services and Speech-to-Speech Services for  
Individuals with Hearing and Speech Disabilities  
CC Docket No. 98-67  
*Application for Review*

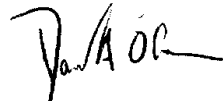
Dear Ms. Dortch:

Transmitted herewith, on behalf of Hamilton Relay, Inc., are an original and four copies of its Application for Review of the June 30, 2004 Order released by the Consumer and Governmental Affairs Bureau in this proceeding.

Should you have any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

HOLLAND & KNIGHT LLP



David A. O'Connor  
Counsel for Hamilton Relay, Inc.

Enclosure

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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**RECEIVED**

JUL 30 2004

In the Matter of )  
 )  
Telecommunications Relay Services ) CC Docket No. 98-67  
and Speech-to-Speech Services for )  
Individuals with Hearing and Speech )  
Disabilities )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: The Commission

**APPLICATION FOR REVIEW**

Hamilton Relay, Inc. ("Hamilton"), by its counsel and pursuant to Section 1.115 of the Commission's rules, 47 C.F.R. § 1.115, hereby applies for review of the June 30, 2004 *Order* of the Consumer & Governmental Affairs Bureau ("Bureau") in this proceeding.<sup>1</sup> In the *Order*, the Bureau abandoned the "cost-plus" reimbursement rate methodology for traditional telecommunications relay services ("TRS"), which has been the reimbursement methodology used for over a decade. In its place, the Bureau applied a "rate of return" methodology. The Bureau indicated its belief that its actions were "necessarily bound by" the Commission's 2004 *TRS Order* which was released on the same day as the Bureau's *Order*.<sup>2</sup>

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<sup>1</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Order*, CC Docket No. 98-67, DA 04-1999 (CGB rel. June 30, 2004) ("*Order*").

<sup>2</sup> *Id.* para. 30 (citing *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking*, CC Docket Nos. 90-571, 98-67, 03-123, FCC 04-137 (rel. June 30, 2004) ("*2004 TRS Order*").

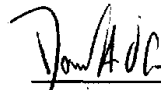
Hamilton submits that the issues presented in the Bureau's *Order* are inextricably interwoven with the issues presented in the *2004 TRS Order*.

Hamilton intends to file, at the appropriate time, a Petition for Reconsideration of the Commission's decision in the *2004 TRS Order* to apply an 11.25% rate of return on investment to TRS.<sup>3</sup>

In the meantime, Hamilton is filing this Application for Review to ensure that the Bureau's *Order* implementing the *2004 TRS Order* does not become a final order and is thus subject to revision if the Commission changes its decision in the *2004 TRS Order*.

Respectfully submitted,

HAMILTON RELAY, INC.



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Its Counsel

July 30, 2004

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<sup>3</sup> *Id.* para. 182. The *2004 TRS Order* was released on June 30, 2004 but has not yet been published in the *Federal Register*. Pursuant to Section 1.106(f) of the Commission's rules, petitions for reconsideration of the *2004 TRS Order* will be due 30 days after publication of the *2004 TRS Order* in the *Federal Register*. See 47 C.F.R. §§ 1.4(b)(1), 1.106.

## **CERTIFICATE OF SERVICE**

I, Marianne Trana, an employee of Holland & Knight LLP, hereby certify that on July 30, 2004, a copy of the foregoing "Application for Review" was served, via first class mail, to the following:

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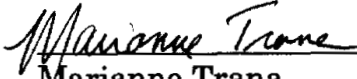
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